

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
November 7, 2005 – 7:00 PM**

PRESENT: Jim Workman, Chairman
Cliff Pratt, Vice-Chairman
Ben Moore
Virginia Bridle-Russell
James S. Barrington, Town Manager
Maureen Duffy, Administrative Assistant

REGRETS: Rick Griffin

Chairman, Jim Workman called the meeting to order at 7:10 pm and introduced those in attendance

SALUTE TO THE FLAG – Mr. Warren Bambury led the audience in the salute to the flag.

I. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Mrs. Bridle-Russell announced that there will be a pancake breakfast from 8 – 10am on Saturday, November 8. The breakfast will be held at the Hobbs House and the cost is \$5 per person.

Mr. Moore discussed the Stone Wall event being held by the Historical Society on November 15. The speaker for the evening will be Kevin Gardner who has spent over 30 years building and restoring stone walls. The event will be held at The First Congregational Church and it is free to the public. The Historical Society would like to thank Eno Building Supplies for their support.

Vice-Chairman Pratt announced that the Jingle Bell Fair will be held on Saturday, November 12 at the Congregational Church. There will be many crafts and gift baskets to bid on during the Silent Auction. There will be a lunch served at 11am.

Mrs. Bridle-Russell reminded citizens that the Budget Committee will be meeting at the Town Hall, tomorrow at 7 pm. The topic of discussion will be General Government and then on Thursday, Public Works will be discussed. Mrs. Bridle-Russell reminded Budget Committee members to pick-up their Budget manuals at the Town Manager's office. She also encouraged those interested to watch the broadcast on Channel 22 at 7pm.

Jim Workman announced the Seacoast Area Firefighters Chili Cook Off this Thursday, November 10. The Cook Off will be held from 5:30 to 10pm at Lebec Rouge. The proceeds from the event will benefit the Seacoast Area Firefighters Toy Bank. In addition, the Hampton Area Chamber of Commerce is hosting the Magical Holiday Auction at 5:30pm (Auction starting at 7pm) on Thursday, November 10. The event will be

held at the Galley Hatch Conference Centre and proceeds will benefit the Children's Christmas Parade and Community Projects. This Friday, November 11 an event is planned at 8am near the Lady of the Sea Memorial to honor Veteran's Day and an event at the High Street Cemetery at 11am. This coming Sunday, Accent on Dining is hosting a benefit for Friends of the Earth, Sea and Space Center. This is a museum that is contemplating locating to Hampton. The door opens at 5:30pm and dining is from 6:30 – 8:30pm at the New England Center in Durham. For more information call 436- 7778.

II. APPOINTMENTS

1 – WARREN BAMBURY – RE: BIKE PATH FUNDING

Warren Bambury addressed the Board of Selectmen. He reported on the State-wide Bicycle Path and said that the Hampton connection is a very important link to the path as it connects to Exeter and North Hampton. The North Hampton path leads to Portsmouth and to the north part of the State. Unfortunately the State Bike Path is being delayed in the Hampton area as a result of insufficient funds from the Town.

Mr. Bambury asked if the letter that was sent to him at the beginning of the project from the Board of Selectmen in 2003 was still valid. He said that the letter stated that the Town would be providing matching grant money for the amount of \$152,000 (total cost of project \$752,000). He said that the Town had indicated that funds would be available through the Capital Reserve fund. In addition, he mentioned that as a result of a Warrant Article there was \$350,000 allocated towards the Capital Reserve fund. Mr. Bambury asked for clarification in regards to the \$150,000 that was set aside within the Capital Reserve fund to support the project many years ago. In addition he questioned the legality of the Town not following the Warrant Article. He would appreciate an answer as the federal funds that are covering the costs of this project are currently inactive and still require matching funds.

Town Manager Barrington responded to the question by stating that the letters of support were philosophical votes of support by the Board of Selectmen. He said there was no money appropriated towards the project. The 2005 Warrant had an Article in regards to funding the project but it did not receive the votes required to proceed with the funding. Mr. Barrington wonders if the existing money in The Highway Capital Improvement Fund may be used to support the project. He questioned the parameters of the Fund and will investigate the various ways the money may be used. In addition, he noted that an appropriation would be required to use money from this Fund.

Mr. Bambury emphasized the importance of the Bike Path and that cycling is becoming a popular sport and an important method of transportation for school children. He reiterated that he would appreciate the Town's cooperation in regards to getting the Bike Path project moving again.

BOS Questions to Warren Bambury – RE: Bike Path Funding

Mr. Moore questioned if the cost of the second part of the Bike Path was similar in cost. Mr. Bambury responded by saying that the second part of the project would probably cost more as it is longer. However, the second part is considered a long term plan in conjunction with the reconstruction of Winnacunnet Road and it has not been proposed at this time.

Mr. Moore asked if in the event that voters financially supported the project what would be the period of performance to ensure that the obligations of the fund are met. Mr. Bambury said that it would depend on the contract. In this particular instance the State is anxious to proceed with the project as soon as possible. Mr. Barrington mentioned that when he spoke to Ram Maddali from the New Hampshire Department of Transportation that the majority of the work in 2006 would be spent on engineering and bidding. Then in 2007 it was likely that construction would commence. Mr. Moore asked if a Town meeting could authorize to pay \$75,000 one year and then the \$75,000 the next year. Mr. Barrington did not believe that could be done however, suggested that it should be looked into.

Mr. Bambury reported on the Route One study. The project consists of a 50 year traffic study that includes the area from Seabrook to Portsmouth. Mr. Bambury noted that Hampton is the only community on the seacoast that has its downtown along Route One. This circumstance becomes a focal point for the study because of the amount of traffic in this area. It is hoped that the study will provide Hampton with some suggestions in how to deal with the traffic congestion in this area. He also mentioned that the regional study predicts that traffic numbers will grow along Route One and Highway 27. He is concerned about how the Town of Hampton is going to deal with more traffic. At the beginning of the study Mr. Bambury suggested that the consultant look at the interchange of Highway 101 and Route 1. As a result the consultant has developed a proposal for this interchange to make it safer. One of the long term plans is to relocate Route 1. The consultant proposal would use the train tracks from Seabrook into Hampton then back onto Route 1. Before this proposal is presented to the residences of Hampton Mr. Bambury would like to suggest that the Board of Selectmen meet with the consultant and the Route One Committee.

BOS Questions to Warren Bambury – RE: Route One Traffic Study

Mrs. Bridle-Russell believes that voters would be interested in who is going to pay for the changes to Route 1. She said that there is a need to sort out the traffic problem along this highway and she is willing to listen to the consultant's proposal.

Mr. Moore is also interested in meeting with the consultant to hear the proposal. He suggested that if a meeting is not possible than he would suggest requesting a copy of the proposal in paper form. Mr. Bambury responded by saying that there is no formal document at this time. The consultant is currently working on developing a document however it is not complete at this time.

Vice-Chairman Pratt asked Mr. Bambury the time range for the project. Mr. Bambury commented that the study focuses on a 50 year period. Traffic is getting worse and businesses are leaving Hampton. He suggested that perhaps the Main Street program should be considered to encourage businesses in Hampton. Mrs. Bridle-Russell asked if the fund is something that the Town would qualify for. Mr. Bambury said that Hampton would qualify however in the past there was no compliance.

Mr. Pratt questioned development on Route One at this time but is interested in listening to the consultant's presentation. It was suggested that the consultant attend a Board of Selectmen's meeting in the spring after the budget season. The contract for the consultant ends in January; therefore if the Selectmen would like to meet with him the Board will need to schedule an appointment soon so that public hearings can be held.

Chairman Workman suggested that Mr. Bambury and Mr. Barrington work together to schedule a meeting for the second or third week in December. Mr. Bambury clarified that the Route One project is a long term project and it is not likely that it will commence for at least ten years. Chairman Workman asked what the

potential is that this proposed project may not go anywhere. Mr. Bambury responded by saying that is why the consultant would like to meet with the Board of Selectmen to see if it is feasible.

III. OLD BUSINESS

1. TOWN MANAGER'S REPORT

Town Manager Mr. Barrington reported that he had forwarded an e-mail that he received from Julia Griffin, the Town Manager of Hanover, concerning an upcoming PUC docket on Verizon and electric utility poles. Since the Town has had difficulties with Verizon in the past, over their responsiveness to moving their wiring in a timely manner, it was important for Hampton to join the other concerned municipalities in this process. The due date for filing as an intervener is Monday, November 7. After consulting with Chairman Workman, they filed the necessary papers to be an intervener pending approval by the Board of Selectmen. If the Board wishes to not participate, it can withdraw. However, by filing, the Town has kept its options open. A copy of the filing is in the Board of Selectmen's packets.

Fire Prevention Officer, Scott McDonald has announced his retirement from the Hampton Fire Department effective February 13, 2006.

Last week, Mr. Barrington mentioned that he spoke with Bob Barry of the New Hampshire Department of Transportation (NHDOT) regarding the Exeter Road Railroad Bridge construction planned for April 2006. The State is currently advertising for bids and doing some preliminary planning work, but the construction schedule is still planned for spring.

In response to last week's public comments Skip Sullivan called the Town Manager. He knew that the uptown fire station was designed to be expanded to the east, but he had no memory of design plans to expand the station upward. In fact, he believes that the lack of support systems in the bays at Fire Station #2 would make such an expansion unlikely.

Mr. Barrington spoke to John Kane, Chairman of the Precinct Commissioners, about their proposed appointment with the Board of Selectmen to discuss the fire facilities needs. He told Mr. Barrington that the Commissioners are not available on November 21 but are available on November 14 and would like to meet then.

In the morning of Wednesday, November 9 the bids for the alternative cost savings for the Town Report will be opened. Mr. Barrington will report to the Board of Selectmen on the results next week.

The Town Manager reported that the preliminary default budget estimate for the 2006 Warrant is \$23,597,610. This number is \$44,815 more than the current 2005 working default budget and \$730,913 less than the currently proposed \$24,328,523 for 2006. Unless there are issues that present themselves for consideration of which the Town is currently unaware, it is believed that this number will be close to the final number.

Marilyn Wallingford called the Town Manager to ask that the Board of Selectmen consider appointing Elizabeth Webb to the Shade Tree Commission. A vacancy exists for appointment until 2007 and another until 2008. Ms. Wallingford provided a letter making the request.

Mr. Barrington reported that the Town office received two abutter's notices on three different parcels of land. A copy has been enclosed of the notice along with a copy of information relative to appeal 72-05 that is adjacent to the Town's landfill and Lewis Brown Park property. The other two parcels involve building adjacent to Town owned property at the beach, but neither involved moving any closer to the Town's property. Mr. Barrington is not certain that the Town has any particular interest in Appeal #72-05 but he wanted to look at it more closely and he may have some recommendation at the November 14th Selectmen's meeting. The Zoning Board Association (ZBA) hearing on this matter is scheduled for November 17th.

The Town Administrator for the Town of Hampton Falls approached Mr. Barrington about the Town of Hampton considering a five-year agreement for fire department dispatching. This would enable the Hampton Falls to plan ahead for cost adjustments. This request was prompted by the large increase that the Town of Hampton had passed on to them last year.

Winnacunnet High School Principal Randy Zito dropped off checks for the parking leases at Tuck Field at the Town office today.

Mr. Barrington reported that Chief Lipe told him that the current beach fire station has 10,086 square feet. This includes the unfinished attic. The first floor is 4,516, second floor is 3,010 and unfinished attic 2,560.

Selectmen's Response to the Manager's Report

Mrs. Bridle-Russell asked what the necessary components of the town report are. Mr. Barrington said that the facts are the necessities that are basic information from the various departments and financial records. In regards to Local Government Center (LGC) competition standards, they judge on more detail and finishing touches. In past years the report has included charts, tables and pictures to improve the appearance and readability of the document. Mr. Barrington said that it is a requirement to include wages and salaries as well.

To save money the report could essentially be bound by staples. Mr. Barrington said that in seeking new bids for the annual report he has requested the printer to provide ideas of how they may provide cost savings such as tape binding. Other methods of reducing costs include reducing the number of documents, pictures, compressing the document and having a black and white cover picture. The lowest bid for the last request was approximately \$4,600.

Mr. Moore inquired about the easements for the Exeter road issue. Mr. Barrington said that it is the State's task, and that the State had originally requested the Town send a letter. Mr. Moore mentioned that he is fine with the idea of the Precinct Commissioners coming to the meeting on November 14. He also asked if the Hampton Falls dispatch situation is something that the Town Manager would delegate to the Fire Chief. Mr. Barrington said that he has not discussed the matter with the Chief at this time. Mr. Workman asked when the current agreement expires. Mr. Barrington believes that the agreement is open ended, however he would need to investigate the arrangement in greater detail. Mr. Moore asked if a five year deal was set with Hampton Falls and if the Town residents vote on it. Mr. Barrington was not certain.

Mr. Moore asked about a letter from a citizen who is concerned about the Winnacunnet High School putting a stop sign at the end of the road. Mr. Barrington has been trying to get in contact with Mr. Gaylord with the School District to discuss the traffic engineer and stop sign.

Mr. Moore requested a report regarding the proposed fire station designs from Chief Lipe.

Mr. Pratt believes that the annual report should be kept very basic. He also mentioned that he is fine with the idea of the Precinct Commissioners attending the meeting on November 14th. In addition he has no problem with putting a rate increase proposal together for the Town of Hampton Falls fire protection.

Mr. Barrington mentioned that the advantage of posting the report on the website is that people can download the document from the comforts of their home.

Mr. Workmen commented on the PUC intervention. He said he directed the Town Manager to file it. This will be discussed in greater detail under new business.

Mrs. Bridle-Russell inquired about the Welfare Clerk position. Mr. Barrington mentioned that a person has been hired today and she will be starting tomorrow. Maureen Duffy said the new Welfare Clerk has years of experience in the Court System, has a Bachelors Degree in Social Work and has years of volunteer experience with the Salvation Army.

Mrs. Bridle-Russell asked if the residences down at the beach have been connected to the new sewer. Mr. Barrington is quite certain that many have been and that the issue has been resolved. He said that people will need to pay for their sewer connections.

Town Attorney Mark Gearreald addressed the Board of Selectmen. He was seeking a confirming vote regarding a pending matter dealing with an appeal to the New Hampshire Supreme Court from Public Employee Labor Relations decision. The issue at hand is whether or not a communication from Chief Wrenn had constituted an unfair labor practice.

Mr. Pratt MOTIONED to authorize the pursuant of the appeal to the Superior Court to defend Town Police Chief Wrenn in regards to the unfair labor dispute. **Mr. Moore SECONDED.**

VOTE: UNANIMOUS FOR

IV. NEW BUSINESS

1 – PROPOSE LIFTING KING’S HIGHWAY SEWER MORATORIUM

Mr. Barrington was pleased to report that the Town may lift the sewer moratorium. As a result he is certain that there will be an influx of residents applying to hook up bathrooms that have been built.

Mr. Pratt MOTIONED to authorize lifting of the King’s Highway Sewer Moratorium. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS FOR

2 – CONSIDER FILING WITH THE PUC AS AN INTERVENER IN VERIZON / ELECTRIC UTILITY POLE RELOCATION CASE

Town Attorney Mark Gearreald addressed the Board of Selectmen. He stated that on October 20, 2005 the Public Utilities Commission (PUC) staff issued an interdepartmental communication recommending an open investigation into utility poles. There have been many complaints dealing with the delays in jointly owned Verizon poles. The PUC issued an order, dated October 24, 2005 indicating that the Commission intended to open an investigation without singling out Verizon. Municipalities wishing to intervene in regard to the investigation needed to file a motion by the end of the business today.

As instructed by the Town Manager, Attorney Gearreald filed a motion to intervene for the Town on November 7, 2005. A pre-hearing conference is scheduled for this Thursday, November 10 at 1:30 p.m. Each party has been requested to provide a preliminary statement on these issues. Following this conference there will be a technical session where all parties involved could discuss the scope of the situation and recommend a procedural session. Attorney Gearreald has been investigating the Town's experience with Verizon in particular to moving its property off utility poles that need to be moved. There are two instances that he is most concerned about, one being Route 1 and Highland Avenue and the other is the Beach Infrastructure project where there are a number of poles that need to be moved. Attorney Gearreald mentioned that there have been a number of meetings held to schedule the moving of jointly owned poles. The Beach Infrastructure project has been set during the off season and the poles are scheduled to be moved in January 2006. It is a concern that there may be delays in moving the poles for the project, which may impact local businesses and the Town budget. It is important to discuss with the Commission, past happenings with Verizon in order to prevent future problems. For that reason he recommends that the Board authorize the Town to act as an intervener.

Attorney Gearreald received the Board of Selectmen's consensus to act as an intervener.

3 – HANDLING OF HAMPTON POLICE ASSOCIATION "GRIEVANCE" LETTER

Attorney Gearreald mentioned that the Town received a letter from the Hampton Police Association directed to the Chairman, dated November 1, 2005. The letter is requesting an appeal under the grievance, complaining an alleged difference in treatment during investigations between union and non-union personnel. Usually a hearing is scheduled however; in this case circumstances are a bit different. As stated under Article 29 a grievance is defined as a written dispute claim or complaint that is filed and signed by the Association or Board. In addition, grievances are limited to matters of interpretation or application or specific provisions of the agreement except when provisions have been excluded. In terms of the contract what is being complained of is not something that arises under the terms of the agreement. The agreement does not address how the Town conducts its investigation. Attorney Gearreald recommended that the Board of Selectmen authorize him to send a letter to the Police Association in regard to this matter.

Mr. Pratt MOTIONED to authorize Attorney Gearreald to send a letter to the Police Association as a notification that the Board of Selectmen have determined not to take jurisdiction over or to conduct the appeal they have requested. The subject of investigations and how they are conducted are matters that are neither covered by nor addressed under the terms of the Agreement. **Mr. Moore SECONDED.**

VOTE: UNANIMOUS FOR

NEW BUSINESS – Con't

Mrs. Bridle-Russell stated that downtown Hampton businesses are having a difficult time making money and many are unable to survive. She asked if there is anything that the Board of Selectmen should be doing to improve the economic development of the Town.

Mr. Barrington said that perhaps the Board should invite Dan Gray, from the Seacoast Economic Development Cooperation to attend a meeting to see if he has any ideas. He said that in the past the Town funded Economic Development ventures however, have been reluctant to do so lately. Mr. Barrington agreed that Hampton businesses are having a lot of financial difficulties and sees the current trend troubling. He stated that some of businesses have plans and believes that there will be some redevelopment.

Mrs. Bridle-Russell asked if the Main Street program would apply to the Town of Hampton. Mr. Barrington said that the program would require hiring personnel. He also mentioned that Lafayette Road and Ocean Boulevard would be the two roads that need to be considered rather than just one road. Mr. Pratt asked Mr. Barrington to look into this program. Mr. Moore also said that Goffstown has a similar program however; there are many volunteers that work together to make the project a success.

V. MINUTES –OCTOBER 31, 2005

Pg 2 – paragraph 4 – past research – should read that Mr. Moore had a conversation with Mr. Barrington

Pg 6 – an insert was provided with amendments to pages 6 & 7

Mr. Pratt MOTIONED to accept the minutes as amended. **Mr. Moore SECONDED.**

VOTE: UNANIMOUS

(Abstained - Jim Workman – not present at the October 31 meeting)

VI - CONSENT AGENDA

Mr. Moore MOTIONED to accept the consent agenda which included: Land Use Change Tax, Appointment to the Shade Tree Commission, Acceptance of Marsh Land Tax Deeds. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS

VII - PUBLIC COMMENT

Mr. Bambury mentioned that the Route 1 consultant proposed a parking facility in downtown Hampton. It was suggested that a multi-story garage be built that would accommodate parking needs. It was also proposed that there could be a bus that would transport people to Boston and this could help out downtown Hampton.

Mr. Moody addressed the Board. He mentioned a number of concerns that he had with Town property and wanted to know who is keeping track of it. He asked if anyone knew where the fire alarm box 33 along Lafayette Road had gone. Mr. Barrington responded by saying that there are some in storage but did not know the specifics.

In addition, Mr. Moody questioned where the stop sign at the spur road had gone. He emphasized that items such as signs cost the Town money. He pointed out that the past Town office had the air conditioning repaired in the mid 1990's which was only used for three years. Mr. Moody asked who is looking out for Town investments.

Mr. Moody mentioned that the Town owns assets such as flag poles, tables, desks and chairs in the Court House. It is his understanding that within the Town and State contract it includes the Town receiving the assets back. Mr. Moody would like to see Town property protected and to stay in Hampton. Mr. Moody read the duties of Selectmen as outlined in the Statue: "Selectmen will be responsible for establishing and maintaining appropriate internal control procedures to ensure the safeguarding of all Town assets and properties." He would like to suggest a subcommittee of the Selectmen to take charge of protecting the tax payers' property and assets.

VIII. ADJOURNMENT

Mr. Pratt MOTIONED to adjourn the meeting at 8:41 PM. **Mr. Moore SECONDED.**

VOTE: UNANIMOUS FOR

Chairman